

designed to effectuate our intent in adopting those rules.

2. In order to clarify the applicability of restrictions placed on FM booster stations by existing international agreements,² we are codifying such restrictions in § 74.1235 of the Commission's Rules. In that regard, paragraph 24 of the Report and Order incorrectly described the restriction as prohibiting booster stations "with ERP in excess of 50 watts within 199 miles of either the Canadian or Mexican border."³ In fact, this limitation applies only to those stations in proximity to Mexico, and should be set at 10 watts transmitter power output (TPO) rather than 50 watts effective radiated power (ERP). Applications for FM booster stations located within 320 kilometers (199 miles) of the Mexican border will not be accepted for filing if they specify more than 10 watts TPO. Stations near the Canadian border are authorized to operate under the appropriate domestic rules, found in 47 CFR 74.1235. Specifically, under these requirements, applications for FM booster stations located within 320 kilometers of the Canadian border will not be accepted for filing where the predicted interference or primary service contour of the proposed booster station would extend beyond the corresponding contour of the primary FM station being rebroadcast.⁴

3. Because the rule changes relating to the limitations placed by the Mexican Agreement simply codify the existing state of international agreements to which the United States is bound, and, moreover, involve a foreign affairs function of the United States, affording an opportunity or prior public comment would serve no purpose and is unnecessary. We therefore find good cause to adopt them without prior notice and comment.⁵ Similarly, prior notice and comment in the case of revising the ERP limits placed on stations near the Canadian border is unnecessary because the Commission is removing an international restriction erroneously applied and allowing the existing domestic rule to apply.

¹ See Agreement between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band, signed November 9, 1972 (Mexican Agreement). See also Agreement Between The Government of the United States of America and the Government of Canada Relating to the FM Broadcasting Service in the 88-108 MHz Frequency Band, 1991.

² 2 FCC Red at 4628, ¶ 24.

³ In general, booster stations may not interfere with the signal of any existing primary or full service station, including Canadian stations in the Canadian border region.

⁴ See 5 U.S.C. 553(b)(3); 553(a)(1).

4. Paragraph 31 of the Report and Order reflected the Commission's decision to treat boosters in the same manner as their full service station equivalents with respect to preventing interference to stations that are 53 or 54 channels removed from the booster station.⁶ That decision was not codified, however, and we now take the ministerial action or rectifying that omission. As stated in that Report and Order, applications for FM booster stations that are 53 or 54 channels removed from an FM radio broadcast station will not be accepted for filing if they fail to meet the required separation distances set out in § 73.207 of the Commission's Rules. For purposes of determining compliance with § 73.207, booster stations will be treated the same as their FM radio broadcast station equivalents. FM radio broadcast stations will be determined in accordance with §§ 73.210 and 73.211 of the Rules, based on the booster station's ERP and HAAT. However, booster stations operating with less than 100 watts ERP will be treated as Class D stations and will not be subject to intermediate frequency separation requirements.⁷

5. Parties with applications pending for construction of booster stations will be allowed an opportunity to amend their applications to comply with these revised spacing requirements. Those applicants choosing not to amend and whose applications do not conform to the codified provisions of § 74.1204(g) will have their applications dismissed as unacceptable for filing. Because this action is taken in order to codify rules which we decided to adopt after a full notice and comment proceeding, we believe further proceedings would be unnecessary and contrary to the public interest. Thus, we find good cause for adoption of this rule without further notice and comment proceedings.

6. Therefore, it is Ordered, That pursuant to sections 4(i) and 303(b) of the Communications Act of 1934, as amended, part 74 of the FCC Rules and Regulations is Amended as set forth in the appendix, effective December 9, 1991.

7. For further information on this Order, contact Rita S. McDonald, Mass Media Bureau at (202) 632-5414.

⁶ *Supra* at 4630, ¶ 31.

⁷ A Class D station is one operating with no more than 10 watts TPO. However, most FM boosters and translators use a transmitting antenna with sufficient gain to produce an ERP that is between two and ten times their TPO. Therefore, 100 watts ERP is the equivalent of 10 watts TPO operating with a high gain antenna.

List of Subject in 47 CFR Part 74

Radio broadcasting.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

47 CFR part 74 is amended as follows:

PART 74—[AMENDED]

1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. Section 74.1204 is amended by adding text to the end of paragraph (g) to read as follows:

§ 74.1204 Protection of FM broadcast stations and FM translators.

()*(*) An application for an FM booster station that is 53 or 54 channels removed from an FM radio broadcast station will not be accepted for filing if it fails to meet the required separation distances set out in § 73.207 of this Chapter. For purposes of determining compliance with § 73.207, booster stations will be treated the same as their FM radio broadcast station equivalents. FM radio broadcast station equivalents will be determined in accordance with §§ 73.210 and 73.211 of this chapter, based on the booster station's ERP and HAAT. Provided, however, that FM booster stations operating with less than 100 watts ERP will be treated as Class D stations and will not be subject to intermediate frequency separation requirements.

3. Section 74.1235 is amended by adding new paragraphs (c)(1) and (c)(2) to read as follows:

§ 74.1235 Power limitations and antenna systems.

()*(*)
(c) (1) Applications for FM booster stations located within 320 kilometers of the Mexican border will not be accepted for filing if they specify more than 10 watts transmitter power output.

(2) Applications for FM booster stations located within 320 kilometers of the Canadian border will not be accepted for filing where the predicted interference or primary service contour of the proposed booster station would extend beyond the corresponding contour of the primary FM station being rebroadcast.

[FR Doc. 91-26328 Filed 10-31-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 90-561; FCC 91-316]

Amateur Radio Services**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: This action amends the Amateur Service Rules to make generally minor rule changes. These changes are necessary in order to reflect preferred terminology and clarify technical standards and operational requirements. The effect of these rule changes is to make the rules for the amateur service a more meaningful, easy-to-use body of regulations. These changes were proposed in the Notice of Proposed Rule Making, 55 FR 48872 (1990).

EFFECTIVE: December 16 1991.**FOR FURTHER INFORMATION CONTACT:**

William T. Cross, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted October 8, 1991, and released October 23, 1991. The complete text of this Commission action, including the rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239) 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037. The action taken herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Summary of Report and Order

1. The Amateur Service Rules have been amended to define the terms telecommand, telemetry, and space telemetry and to delete the reference to frequency drift and Doppler shift in the definition for the term "bandwidth". The Commission also amended the Rules to reduce from ten to six the number of MF and HF bands for which a club station must schedule one-way telegraphy practice or information bulletin transmissions in order for its control operator to accept compensation, and to change the term "remote control" to

"telecommand" in various sections of the Amateur Service Rules.

2. The Commission also decided to delete the condition that an auxiliary station can be automatically controlled only when it is part of a repeater system and to expand the permissible types of space telemetry transmissions to include transmissions of specially coded messages intended to facilitate communications. The Commission decided not to adopt any changes to the station identification requirement. The Commission decided to include the terms, ASCII, AMTOR, and Baudot, in the definitions for the digital codes.

3. The amended rules are set forth at the end of this document.

4. The amended rules are issued under the authority of 47 U.S.C. 154(i) and 303 (c) and (r).

List of Subjects in 47 CFR Part 97

Satellites, Amateur Radio, Definitions, Digital Codes, Telecommand, Paid Control Operator.

Federal Communications Commission.

Donna R. Searcy,
Secretary.

Rule Changes

Part 97 of chapter I of title 47 of the Code of Federal Regulation is amended as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.3 is amended by revising paragraph (a)(8), by redesignating paragraphs (a)(37), (a)(38), (a)(39), (a)(40), and (a)(41) as paragraphs (a)(38), (a)(40), (a)(42), (a)(43) and (a)(44) respectively, and by adding new paragraphs (a)(37), (a)(39), and (a)(41) to read as follows:

§ 97.3 Definitions.

(a) * * *

(8) *Bandwidth.* The width of a frequency band outside of which the mean power of the transmitted signal is attenuated at least 26 dB below the mean power of the transmitted signal within the band.

* * * * *

(37) *Space telemetry.* A one-way transmission from a space station of measurements made from the measuring instruments in a spacecraft, including those relating to the functioning of the spacecraft.

(39) *Telecommand.* A one-way transmission to initiate, modify, or

terminate functions of a device at a distance.

(41) *Telemetry.* A one-way transmission of measurements at a distance from the measuring instrument.

* * * * *

3. Section 97.111 is amended by revising paragraph (b)(3) and by adding new paragraph (b)(7) to read as follows:

§ 97.111 Authorized transmissions.

* * * * *

(b) * * *

(3) Telecommand.

* * * * *

(7) Transmissions of telemetry.

4. Section 97.113(b)(2) is revised to read as follows:

§ 97.113 Prohibited transmissions.

* * * * *

(b) * * *

(2) The station schedules operations on at least six amateur service MF and HF bands using reasonable measures to maximize coverage;

* * * * *

5. Section 97.201(d) is revised to read as follows:

§ 97.201 Auxiliary station.

* * * * *

(d) An auxiliary station may be automatically controlled.

* * * * *

6. Section 97.207(f) is revised to read as follows:

§ 97.207 Space station.

* * * * *

(f) Space telemetry transmissions may consist of specially coded messages intended to facilitate communications or related to the function of the spacecraft.

* * * * *

7. The heading of § 97.211 is revised to read as follows:

§ 97.211 Space telecommand station.

8. Section 97.213 is amended by revising the heading and the introductory text to read as follows:

§ 97.213 Telecommand of an amateur station.

An amateur station on or within 50 km of the Earth's surface may be under telecommand where:

* * * * *

9. The heading of § 97.215 is revised to read as follows:

§ 97.215 Telecommand of model craft.

10. New § 97.216 is added to read as follows:

§ 97.216 Telemetry.

Telemetry transmitted by an amateur station on or within 50 km of the Earth's surface is not considered to be codes or ciphers intended to obscure the meaning of communications.

11. Section 97.309(a) is revised to read as follows:

§ 97.309 RTTY and data emission codes.

(a) Where authorized by §§ 97.305(c) and 97.307(f) of the part, an amateur station may transmit a RTTY or data emission using the following specified digital codes:

(1) The 5-unit, start-stop, International Telegraph Alphabet No. 2, code defined in International Telegraph and Telephone Consultative Committee Recommendation F.1, Division C (commonly known as Baudot).

(2) The 7-unit code specified in International Radio Consultative Committee Recommendation CCIR 476-2 (1978), 476-3 (1982), 476-4 (1986) or 625 (1986) (commonly known as AMTOR).

(3) The 7-unit code defined in American National Standards Institute X3.4-1977 or International Alphabet No. 5 defined in International Telegraph and Telephone Consultative Committee Recommendation T.50 or in International Organization for Standardization, International Standard ISO 646 (1983), and extensions as provided for in CCITT Recommendation T.61 (Malaga-Torremolinos, 1984) (commonly known as ASCII).

[FR Doc. 91-26327 Filed 10-31-91; 8:45 am]

BILLING CODE 6712-01-M

NATIONAL TRANSPORTATION SAFETY BOARD**49 CFR Part 821****Rules of Practice in Air Safety Proceedings**

AGENCY: National Transportation Safety Board.

ACTION: Final rule: Correction and change of addressee.

SUMMARY: This change of addressee and correction to the rules of practice in air safety proceedings in Part 821 are being made, one, to reflect a change in the NTSB Office to which certain documents are directed and second, to correct an error which resulted in the omission of a clause in § 821.10 as published in the Code of Federal Regulations. The change in the NTSB Office is intended solely to streamline the flow of documents within the NTSB itself.

EFFECTIVE DATE: November 1, 1991.

FOR FURTHER INFORMATION CONTACT: Daniel D. Campbell, General Counsel, National Transportation Safety Board, room 6401, 490 L'Enfant Plaza East, SW., Washington, DC 20594. Telephone: (202) 382-6540.

SUPPLEMENTARY INFORMATION: After the notice of appeal from an administrative law judge's final decision or order, documents will not be filed with the National Transportation Safety Board (NTSB) Office of General Counsel instead of the Office of Administrative Law Judges. This change in the NTSB Office to which certain filings should be directed is intended solely to streamline the flow of documents within the NTSB itself.

The correction is to the second sentence of § 821.10 which should end after, "nor a legal holiday". A third sentence should then begin, "Saturdays, Sundays, and legal holidays * * *"

Because these amendments consist only of a correction and change of addressee and since they do not impose an additional burden on any person, the NTSB finds that notice and public procedure thereon are unnecessary. This correction to § 821.10 sets forth the full and accurate contents of that section. The NTSB has been furnishing to persons who filed a petition for review or an appeal to the Board (and their counsel) a copy of Part 821 with the complete and correct § 821.10. Persons who file such appeals and petitions in the future will also receive notice of the change of addressee.

Regulatory Flexibility Act

Because this rulemaking will not have a significant economic impact on a substantial number of small entities, no Regulatory Flexibility Act (5 USC 601) analysis is required.

Executive Order 12291

The NTSB has determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation Requirements.

Paperwork Reduction Act

This regulation will not impose any additional information collection requirements on any person.

List of Subjects in 49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

Accordingly, part 821 of the Board's Rules (49 CFR part 821) is amended as follows:

1. The authority citation for Part 821 continues to read:

Authority: Title VI, Federal Aviation Act of 1958, as amended (49 U.S.C. 1421 et seq.); and Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

2. Paragraphs (a) and (b) of § 821.7 are revised to read as follows:

§ 821.7 Filing of documents with the Board.

(a) *Filing address, date and method of filing.* Generally, documents are to be filed with the Office of Administrative Law Judges. However, subsequent to the filing of a notice of appeal from a law judge's final decision or order (written or oral), all documents should be submitted to the Office of General Counsel. The documents should be directed to the proper office at the National Transportation Safety Board, Washington, DC 20594. Filing of any document shall be by personal delivery or by mail (including United States Government franked envelope). Such documents shall be deemed filed on the date of personal delivery, on the mailing date shown on the certificate of service, on the date shown on the postmark if there is no certificate of service, or on the mailing date shown by other evidence if there is no certificate of service and no postmark.

(b) *Number of copies.* Unless otherwise specified, an executed original and three true copies of each document shall be filed with the appropriate office of the Board. Copies need not be signed, but the name of the person signing the original shall be shown.

3. Section 821.10 is revised to read as follows:

§ 821.10 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. Saturdays, Sundays, and legal holidays for the Board shall be computed in the calculation of time in all emergency cases under subpart I of

this part and shall be counted in the computation of time in all nonemergency cases where the period of time involves 7 days or more.

Signed in Washington, DC on this 24th day of October, 1991.

Daniel D. Campbell,
General Counsel.

[FR Doc. 91-26228 Filed 10-31-91; 8:45 am]

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